



December 15, 2009

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Chief Richard Pennington
Atlanta Police Department
226 Peachtree Street
Atlanta, Georgia 30303

RE: 09-23 Complaint of Doug Wallick

Dear Chief Pennington:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of a complaint filed by Doug Wallick on June 26, 2009. Mr. Wallick alleged that on June 22, 2009 at about 10 a.m. on the access road between Target and Home Depot at 2525 Piedmont Road, he observed Officer Zoel Murphy arrest a Mexican man. The officer yelled to the man and according to Mr. Wallick, the officer walked over to the man, grabbed him around the neck from behind, pulled him back, pushed him against the tailgate of a truck and handcuffed him. Mr. Wallick said that the man did not resist arrest and that the force was unnecessary and excessive.

Investigation revealed that the person arrested was Luis Juanman. He is homeless. The ACRB staff canvassed the area and could not locate him. He pled guilty and was imposed a sentence of time served so he had no further court appearances. Officer Murphy was working an extra job with an approved permit. He contacted the ACRB office on August 4, 2009 and provided a brief account of the incident. He denied using excessive force but said that he would obtain a copy of the video footage of the parking lot and provided names of potential witnesses. However, Officer Murphy explained that he was instructed by a supervisor not to cooperate with the ACRB investigation.

The video tape was subpoenaed from the Home Depot; however, they responded that the incident was not recorded. The witness was another employee of Home Depot. She said that she saw Officer Murphy grab the subject by the shoulder and she did not pay much attention to the incident.

Chief Richard Pennington
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The Atlanta Citizen Review Board considered the investigation and was troubled by the statement made by Officer Murphy that he had been instructed by his supervisor not to cooperate with the Atlanta Citizen Review Board. This supervisor violated the provisions of the ordinance and prevents the Board from considering important testimony and evidence.

Despite the lack of cooperation by Officer Murphy and his supervisor, the Board carefully considered the evidence. Because of the lack of corroboration into Mr. Wallick's claims, the Board recommends that a finding of "**Not Sustained**" be applied to this complaint.

Please let me know if you have any questions or concerns or if you would like to have a copy of the investigation. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See Sec. 2-2211(O) of Ordinance 07-0-0141.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Edmond', with a stylized, flowing script.

Roderick E. Edmond, M.D., J.D.
Chair

cc: Mayor Shirley Franklin
Council President Lisa Borders
Members of City Council



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Interim Chief of Police

January 14, 2010

Mr. Rod Edmond, M.D., J.D., Chair
Atlanta Citizen Review Board
55 Trinity Avenue, SW
City Hall Tower, Suite 9100
Atlanta, GA 30303

RE: 09-23 Complaint of Doug Wallick

Dear Mr. Edmond:

I am in receipt of the Atlanta Citizen Review Board's letter, dated December 15, 2009, recommending that the allegation that Officer Zoel Murphy used excessive force be Not Sustained.

The Atlanta Police Department's Office of Professional Standards has concluded its investigation into Mr. Doug Wallick's allegation of unnecessary force and has come to the same conclusion as the ACRB. Having assessed the findings of both the Atlanta Citizen Review Board and the Department's investigative summaries, I concur with both the Office of Professional Standards findings as well as the Atlanta Citizen Review Board.

Major M. A. Perdue, commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "George N. Turner".

George N. Turner
Interim Chief of Police

GNT/nk

cc: Ms. Cristina Beamud, ACRB
Asst. Chief P. N. Andresen
Major M. A. Perdue
File